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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618
27123	7590	12/20/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,469	Applicant(s) EKBERG ET AL.	
	Examiner Steven Blount	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/16/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 - 47 is/are allowed.
- 6) ☒ Claim(s) 1 - 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application US 2004/0063498 to Oakes et al.

With regard to claim 1, Oakes teaches, in figures 3 and 4, memory device 326, and processor 322 in communication with each other; wherein they are designed to attempt to access an ad/hoc network (see figure 1 and col 5, paragraph 55) by sending and inquiry (page 5, par 58 and par 60) to the network and receiving a response (see accepting/declining in par 56, and approving log in step 728 of figure 7). Oakes also teaches choosing a particular application (page 6, par 66) and also teaches "examining preset network configurations for easy recall of a particular gaming event in electronic network 110" (page 4, paragraph 50). See also paragraph 64, page 6, where the application (game) chosen has its "control parameters" configured: "The configuration procedure of step 712 may also designate configuration information to specify characteristics such as the number of participants, when the additional portable units to login to a gaming event, and whether logging off is required after a particular game is concluded." Note also that, while not specifically claimed, each unit in Oakes et al is symmetric in the sense that they can (as is also described in the applicants

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specification) act as both a client and a server (par 47). See also par 46 (page 4) where Figure 5 is discussed, including its relation to figures 3 and 4 (transmit/receive) and note that therefore network module 510 in Figure 5 is discussed in paragraph 50 as it pertains to both transmitting and receiving with respect to the preset network configurations discussed above.

Although Oakes does not explicitly state that the applications are "listed" before being chosen, one of ordinary skill in the art would realize that listing applications is an obvious way to display them in order to allow for one of them to be chosen.

With regard to the following claims (hereinafter referred to as "CI"), see the following:

CI 2: see the rejection above where the "behavior" is discussed; CI 3: allowing the communication is discussed with respect to the security module (par 49); CI 4: connection request is mentioned in par 48, line 8, and further note that it would be obvious to have a matching application resident on a nearby wireless device in order to allow for the playing of multiuser games (see par 55 lines 7+ and par 60, line 3); CI 5: erasing a program after it is finished would be obvious in gaming situations to prevent users from unauthorizedly copying the game programs; CI 6: since the client and server are present in each of the units, it would be obvious to have the application /device association stored in memory in the device in order to not have to search for the application as described in paragraph 48; CI 7: priority would be an obvious variation of what is taught in par 50; CI 8 – 14: see the rejections above; CI 15 – 18: see the rejections above, and note that the process steps are implementable in computer

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software; CI 19: see the rejection of claim 1 above, and note that an inquiry message is sent as described in par 48, line 6 (looking for the server with the game), and a connection request is made as described in line 8 (game access made to the server); CI 20 – 31: see the rejections above.

3. Claims 32 – 47 are allowed.
4. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or, the response may be faxed to: (703) 872-9306.

For formal communications intended for entry, or for informal or draft communications, please label "PROPOSED" OR "DRAFT".

Any inquiry concerning this communication should be directed to Examiner Steven Blount, whose telephone number is (571) 272 – 3071.

Examiner Blount may normally be reached Monday through Friday between the hours of 9:00 and 5:30. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Kenneth Vanderpuye, may be reached at (571) 272 – 3078.


Ajit Patel
Primary Examiner

SB


12/9/04